



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,901	12/09/2003	Kiyoyuki Narimatsu	118031	3305

25944 7590 11/14/2007
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER

NGUYEN, TRAN N

ART UNIT	PAPER NUMBER
----------	--------------

3626

MAIL DATE	DELIVERY MODE
-----------	---------------

11/14/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/729,901	Applicant(s) NARIMATSU ET AL.	
	Examiner Tran N. Nguyen	Art Unit 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/09/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to Applicant

This communication is in response to the communication filed 12/09/2003.

Pending claim(s): 1-5.

Priority

Acknowledgment is made of Applicant's claim for priority to application 2002-370024 filed in Japan on 12/20/2002.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 12/09/2003 is entered and considered by Examiner.

Examiner notes that the reference cited therein has some illegible portions.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim(s) 1-5 is/are rejected under 35 U.S.C. 102(b) as being anticipated by Brown (5960403).

As per claim 1, Brown teaches a system (Abstract) capable of display statistical patient data (column 8 line 23), comprising:

(a) a local patient database capable of storing patient data (column 13 line 35-37), wherein the patient data comprises:

(a) physical characteristics of the patient measured by a plurality of metering device in communication with the local patient (column 8 line 42-49, Figure 3 label 420, Figure 1A label 16, 20, 22);

(b) device measurements (Figure 4 label 540) from a plurality of monitoring devices (It is inherent that the system comprises data specifying the communication protocol used with each respective monitoring device) (column 4 line 66 to column 5 line 25, Figure 1A label 16, 20, 22);

(b) software means capable of generating statistical data obtained from the monitored patient data (column 8 line 19-25);

(c) network communication means capable of transmitting the monitored data to a clinician computer (Figure 9), wherein the clinician computer is capable of graphically displaying statistical data from the monitored data (column 15 line 16-29, Figure 10-11).

As per claim 2, Brown teaches that the system is capable of producing data views for glucose and peak flow monitoring devices (column 15 line 16-29, Figure 10-11), wherein the glucose measurements are measured by a blood glucose monitor (column 4 line 66 to column 5 line 3, Figure 1 label 16) and the peak flow measurement are measured by a peak-flow meter (column 5 line 4-16). Brown further teaches that

Art Unit: 3626

other types of monitors may be used (column 5 line 16-25), thereby producing data views comprising statistical inferences for each type of monitor, as discussed above and incorporated herein.

As per claim 3, Brown teaches a plurality of types of monitor as discussed in the rejection of claim 2 above, and incorporated herein.

It is noted that each type of monitor measures data by a different method, i.e. blood sample for a blood glucose meter, breathing method for a peak-flow meter, etc., and is therefore considered to be "represent respective physical-information obtaining methods carried out by the physical-information obtaining devices".

As per claim 4, Brown teaches that a clinician at a clinician computer may download (column 16 line 35-39) and analyze patient data in the manner described in the rejection of claim 2 above, and incorporated herein (also column 16 line 40-53).

It is noted that the clinician downloading and analyzing is considered to be "an instruction signal".

As per the set of claim(s): 5, this set of claim is rejected for substantially the same rationale as applied to the rejection of the set of claim(s): 1, respectively, and incorporated herein.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Tacklind (5549117) teaches a device capable of monitoring and report patient physiologic data.

Brown (5832448) teaches a system capable of monitoring patient physiologic data for a plurality of patients and reporting to a physician.


Tyuluman (5924073) teaches a system capable of performing statistical analysis on patient data to determine a plurality of metrics.

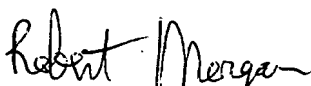
Any inquiry concerning this communication or earlier communications from Examiner should be directed to Tran N. Nguyen (Ken) whose telephone number is (571) 270-1310. The examiner can normally be reached on Monday - Friday, 9:00 am - 5:00 pm, Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, Examiner's Supervisor, Joseph Thomas can be reached on (571) 272-6776.

Art Unit: 3626

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TN 
11/08/2007


ROBERT W. MORGAN
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600